

OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

February 17, 2016

Date of Department Hire 08/21/2014

Deputy Jovanni Argueta, #[redacted]
[redacted]

Deputy Argueta:

On January 20, 2016, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's intent to suspend you without pay, as reported under File Number IAB 2389674.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended action is appropriate.

Pursuant to Rule 18.01 of the Los Angeles County Civil Service Rules, you are hereby notified that effective February 11, 2016, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department, for up to thirty (30) days beyond judgment of a criminal charge against you.

The administrative investigation being conducted under File Number 2389674 may result in further administrative proceedings.

An investigation was conducted by Costa Mesa Police Department. On January 13, 2016, as a result of this investigation, two (2) Felony counts and one (1) misdemeanor count were filed against you in the Superior Court of California, by the District Attorney's Office, Case #16F02000. The complaint states as follows:

COUNT 1

On or about and between May 01, 2015 and October 22, 2015, in violation of Section 288(a) of the Penal Code (LEWD ACT UPON CHILD UNDER 14), a FELONY, JOVANNI ARGUETA did willfully, lewdly, and unlawfully commit a lewd and lascivious act upon and with the body of JANE DOE, a child under the age of fourteen (14) years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the defendant and the child.

COUNT 2

On or about November 23, 2015, in violation of Section 273.6(a) of the Penal Code (VIOLATION OF A PROTECTIVE ORDER), a MISDEMEANOR, JOVANNI ARGUETA did intentionally, knowingly, and unlawfully violate a protective order as defined in Family Code section 6218 by CONTACTING VICTIM.

COUNT 3

On or about and between May 1, 2015 and October 22, 2015, in violation of Section 288.3(a) of the Penal Code (CONTACTING CHILD WITH INTENT TO COMMIT SPECIFIED CRIME), a FELONY, JOVANNI ARGUETA did unlawfully contact and communicate with a minor, and attempted to contact and communicate with a minor, namely JANE DOE, with the intent to commit an offense specified in Penal Code section 288, Lewd Act Upon a Child, involving the minor, and defendant knew, or reasonably should have known, the person was a minor.

* * * * *

If you desire within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 West Temple Street #522, Los Angeles, California 90012.

Copies of Rules 4.02, 4.05 and 18.01 of the Los Angeles County Civil Service Rules, which explain the suspension process and your appeal rights directly to the Civil Service Commission are attached for your convenience.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

ERIC G. PARRA, CHIEF
CUSTODY SERVICES DIVISION - GENERAL POPULATION

Note: Attached for your convenience are excerpts of the applicable area of the Civil Service Rules.

EGP:KM:DLM:jd

c: Advocacy Unit
Eric G. Parra, Chief, Custody Services Division – General Population
Internal Affairs Bureau
Personnel Administration
Men's Central Jail/ Personnel File
File Number (IV# 2389674)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, WEST JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

01/13/2016
02:52 PM

ALAN CARLSON, Clerk of the Court
16WF0087

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,	FELONY COMPLAINT WARRANT
vs.	No. CMPD 15-014175 CMPD 15-015704
JOVANNI ARGUETA 08/28/89 [redacted] Defendant(s)	

The Orange County District Attorney charges that in Orange County, California, the law was violated as follows:

COUNT 1: On or about and between May 01, 2015 and October 22, 2015, in violation of Section 288(a) of the Penal Code (LEWD ACT UPON CHILD UNDER 14), a FELONY, JOVANNI ARGUETA did willfully, lewdly, and unlawfully commit a lewd and lascivious act upon and with the body of JANE DOE, a child under the age of fourteen (14) years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the defendant and the child.

COUNT 2: On or about November 23, 2015, in violation of Section 273.6(a) of the Penal Code (VIOLATION OF A PROTECTIVE ORDER), a MISDEMEANOR, JOVANNI ARGUETA did intentionally, knowingly, and unlawfully violate a protective order as defined in Family Code section 6218 by CONTACTING VICTIM.

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COUNT 3: On or about and between May 01, 2015 and October 22, 2015, in violation of Section 288.3(a) of the Penal Code (CONTACTING CHILD WITH INTENT TO COMMIT SPECIFIED CRIME), a FELONY, JOVANNI ARGUETA did unlawfully contact and communicate with a minor, and attempted to contact and communicate with a minor, namely JANE DOE, with the intent to commit an offense specified in Penal Code section 288, Lewd Act Upon a Child, involving the minor, and defendant knew, or reasonably should have known, the person was a minor.

I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 01-13-2016 at Orange County, California.
BT/ER 16F02000

TONY RACKAUCKAS, DISTRICT ATTORNEY

by: /s/ BOBBY TAGHAVI
BOBBY TAGHAVI, Deputy District Attorney

RESTITUTION CLAIMED

[ ] None
[ ] $________
[X] To be determined

BAIL RECOMMENDATION:

JOVANNI ARGUETA - $ 100,000.00

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, WEST JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

01/13/2016
02:52 PM

ALAN CARLSON, Clerk of the Court
16WF0087

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. JOVANNI ARGUETA 08/28/89 [redacted] Defendant(s)	FELONY COMPLAINT WARRANT No. CMPD 15-014175 CMPD 15-015704

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I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 01-13-2016 at Orange County, California.
BT/ER 16F02000

TONY RACKAUCKAS, DISTRICT ATTORNEY

by: /s/ BOBBY TAGHAVI
BOBBY TAGHAVI, Deputy District Attorney

RESTITUTION CLAIMED

[ ] None
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[X] To be determined

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Costa Mesa Police Department OCA: **15014175**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *OPEN / ACTIVE* **Case Mng Status:** *ACTIVE* **Occurred:** *10/22/2015*

Offense: *ORAL COPULATION WITH PERSON UNDER 14 YRS/ETC*

Investigator: [redacted] (P[redacted] **Date / Time:** *11/05/2015 08:22:41, Thursday*

Supervisor: [redacted] (P[redacted] **Supervisor Review Date / Time:** *11/05/2015 09:49:27, Thursday*

Contact: **Reference:** *Miscellaneous Supplemental*

The victim of this crime requested to be anonymous pursuant to Penal Code Section 293 and pursuant to Government Code Section 6254. She will be referred to as Jane Doe for the remainder of this report.

While working within my scope as a detective assigned to the Costa Mesa Police Department Crimes against Children Division, I investigated a child molestation report, 15-14175. Here is a synopsis of the initial report:

INCIDENT REPORT
On 10-22-15, Officer [redacted] was working as a school resource officer and she was dispatched to [redacted] in regards to a student, Jane Doe 13 years old, who was in a relationship with an adult male. The [redacted], witnessed Doe and Argueta hugging near the physical education locker rooms. He confronted them and then took Doe to the front office. Officer [redacted] interviewed Doe and here is a synopsis of what she said:

In May 2014, Doe met Argueta while she was playing Wizard 101 on her computer. She started playing the game together and then they exchanged telephone numbers. He gave his cellular telephone number of [redacted] In May of 2015, they started texting one another and they decided to meet at her [redacted]s house ([redacted]) for a "sleep over." During the sleep over, they hugged, kissed, and talked about Wizard 101.

On September 8, 2015, Argueta met Doe at her school. They hugged and talked and then Doe went to class. On September 26, 2015, Doe and Argueta again spent the night at Doe`s [redacted]s house. They hugged, kissed and Argueta performed oral sex on Doe. Doe said oral sex is when Argueta put his mouth on her vagina. The oral sex lasted approximately 25 minutes and then they fell asleep.

On October 3, 2015 and October 13, 2015, Doe and Argueta again spent the night at Doe`s [redacted]s house. They again kissed, hugged, and Argueta performed oral sex on Doe.

Argueta visited Doe at school many times. On October 13, 2015, Argueta picked up Doe from school and he took her to Laguna Beach where the hung out until 1500 hours. She later returned to the school where her father picked her up.

On October 19, 2015, Argueta went to Doe`s school to give her some birthday gifts. When he opened his door to his vehicle to get her gifts, Doe saw a gun belt on the seat of his vehicle. Doe believed Argueta was a police officer.

On October 22, 2015, [redacted] confronted Doe and Argueta. The police were then called to talk to Doe.

Investigator Signature Supervisor Signature

Costa Mesa Police Department OCA: ***15014175***

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While Officer [redacted] was conducting the investigation, she was told by the [redacted], that a student, [redacted] had given [redacted] a picture of Argueta and Doe. Refer to the attached photograph for further. Refer to Officer [redacted] s report for further.

Officer [redacted] contacted Doe`s [redacted] and he agreed to give Officer [redacted] Doe`s laptop and Ipod so it could be analyzed. Officer [redacted] collected Doe`s cellular telephone, her Ipod, and her laptop and gave them to me to be searched.

On 10-30-15, I gave [redacted] Doe`s cellular telephone, a red LG Verizon, and he analyzed it. I read the text messages from the Extraction Report and there were text messages between Doe and Argueta. On 10-21-15 Argueta asked via text message for her to go to school early or for her to skip PE. He also wrote "aaww kitty but u have me that should make u feel better." On 10-20-15, Argueta texted her that he was at her school by the "clock tower" and to walk out of school to meet him. Doe called Argueta "Daddy" in the texts and he called her "kitten." Refer to the text messages for further.

TELEPHONE CALL

On 10-22-15 at approximately 1645 hours, Doe`s [redacted] agreed to drive Doe to Costa Mesa Police Department to call Argueta. I took Doe into interview room #2 and she called Argueta. When she called Argueta, her telephone number showed up on his phone. Argueta did not answer the telephone calls.

On 10-22-15, I used Doe`s cellular telephone to text Argueta. Here is a synopsis of our conversation:

I sent a message asking Argueta to talk and it took some time for him to respond. He responded that he felt like he had been "set up." Argueta was asking Doe what the [redacted] said when he left. I texted she had lied and that Argueta was her boyfriend but that he went to a school in Santa Ana. He requested to know exactly what she told the teachers "cuz they`re on high alert right now." He texted he might not be able to go back to her school depending on what she told the school. I responded by say that they had been dating for a couple of weeks and they just kissed. Argueta texted Doe she had said too much. He texted they could not have seen them kissing because they were just talking. I texted they had been seen kissing in the past. He responded "they all have seen us" so he needed to stay away. I texted asking Argueta to visit Doe at her [redacted] s house and he agreed to only "u (she) sleep over." We agreed to talk the next day and Argueta texted "love u." Refer to the attached text messages for further.

On 10-23-15 at approximately 1150 hours, I transported Doe back to Costa Mesa Police Department to call Argueta

Investigator Signature Supervisor Signature

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again. He did not answer the first telephone call but he answered the second call. He told her he was busy and for her to call him when she got out of school. At approximately 1550 hours, Doe's [redacted] brought her back to Costa Mesa Police Department so she could call Argueta. Doe called Argueta but he did not answer the telephone.

COMPUTER CHECKS
According to the internet and law enforcement databases, telephone number [redacted] is associated to Jovanni Argueta with an address of [redacted] I did a computer check on Jovanni Argueta and found a Jovanni Argueta with a date of birth of [redacted] and driver's license # [redacted]. The address on Argueta's DMV print out is [redacted] I printed the Department of Motor Vehicle photograph of Argueta and showed it to Doe. Doe said the subject in the picture was her boyfriend, Argueta. Officer Beckner attached the photograph to her report.

Wizard 101 is an online game that is a fictional universe where player can team up to save Wizard City. The players can send one another messages or their team messages to communicate during the game. On the website, Wizard101.com, it advertises "get involved in the free Wizard games for kids and adults to play together and join the adventure to keep Wizard City safe." The game can be played on a PC or Mac.

LASD
On 10-23-15, I called the Los Angeles Sherriff Department (LASO) headquarters at 213-229-1700 and spoke with Deputy Rodriguez. She told me Argueta was a deputy and he worked at Men's Central Jail. On 10-28-15, Sergeant [redacted] called LASD Captain Antuna and he told her the home address on file for Argueta is [redacted] An internet search was done on the address and there was a [redacted] who had previously lived at the location. She was also listed as living at [redacted] Captain Antuna told Sergeant [redacted] Argueta would be taking a class during the week of 10-26-15 through 10-30-15 at their facility in Whittier.

PHOTO LINE-UP
On 10-27-15, I created a photo line-up including California driver's license photograph of Argueta along with five other similar subjects in the other five positions. I created two other photo line-ups with the same subjects but I switched their positions in the line-ups.

INTERVIEW OF [redacted]
On 10-27-15 at approximately 0950 hours, I drove to [redacted] to interview a witness, [redacted] I escorted her into an empty office in the front office. Here is a synopsis of what she told me:

Investigator Signature Supervisor Signature

.SE SUPPLEMENTAL REPORT Printed: 12/03/2015 07:58

Costa Mesa Police Department OCA: ***15014175***

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[redacted] and Doe became friends in 7th grade and they used to talk more but they don`t talk as much this year. In September 2015, [redacted] said she had seen Argueta and Doe hugging while on campus by the locker rooms at the end of one of their lunch breaks. [redacted] asked Doe who Argueta was and Doe said he was her boyfriend and he was 25 years old. [redacted] believed Doe and Argueta met while playing a game on Doe`s cellular telephone. Doe and Argueta text a lot but Doe deletes the text messages after they text because she did not want her [redacted] to see the text messages. [redacted] told me to talk to their other friend, [redacted], because she had also seen Doe with Argueta on campus.

[redacted] described Argueta as a male Hispanic who had dark skin, was tall, thin, and had black or brown hair. I read the Photograph Identification Admonishment to [redacted] and explained further on what the admonishment meant. She told me she understood it. She signed and I dated it. I showed her the photo line-up with Argueta in position #3. She looked at the photo line-up and told me she did not see Doe`s boyfriend in any of the six photographs. Refer to the attached photo line-up and the Photograph Identification Admonishment for further. I concluded the interview and [redacted] walked back to class.

Investigator Signature Supervisor Signature